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STATE OF MISSOURI

ELECTIONS DIVISION
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November 9, 2021

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RE: Petition approval request from Michael Phoenix regarding a proposed constitutional amendment to Article XV (2022-077)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Michael Phoenix on November 9, 2021.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Ashcroft", written in a cursive style.

John R. Ashcroft

cc: Hon. Eric S. Schmitt
Sheri Hoffman
Trish Vincent

Be it resolved by the people of the state of Missouri that the constitution be amended:

ARTICLE XV MEDICAL LIBERTY

SECTION

1. Definitions.
2. Individual Self-determination and Consent for Medical Interventions.
3. Limitations on Governing Bodies Mandating Medical Interventions.
4. Data Transparency For Determining Policies Regarding Contagions of Threat.
5. Domestic Entity Medical Neutrality Regarding Employees and Contractors.
6. Foreign Entity Medical Neutrality Regarding Employees and Contractors.
7. Nullification of Federal Medical Mandates.
8. Financial Accountability for Infringing an Individual's Medical Rights.
9. Transparency in Lobbying for Medical Initiatives and Funds.
10. Integrity and Transparency in Publicly Funded Medical Initiatives.
11. Due Process for Medical Liberty.

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Section 1. Definitions.

- (1) "Sovereign autonomous obligation" means the highest and most absolute legal form of authoritative power existing as a duty inherent in the individual that cannot be delegated to any degree.
- (2) "Individual" means pertaining to, belonging to, or characteristic of, one single person, either in distinction from a firm, association, corporation, organization, or other such entity.
- (3) "Contravene" means to act contrary to an axiom inherent to an individual's personhood such that a given contravention would act as a violation of an individual's right, obligation, or other such legal postulate.
- (4) "People of a given region" means a collection of individuals of a given geographic context, whether as a formally defined entity such as a city, town or other such entity; or as defined by a colloquial preference in description such as "the midwest" or other such description.
- (5) "People at large" means the collection of individuals that act as the general population.
- (6) "Contagion" means a disease of any type that can be passed from one person or animal to another, by any type of mechanism that would facilitate transference through a population.
- (7) "Concerned institution" means any type of entity formed as a fictitious agent, whether public, private, or governmental, that does not have distinct and individual personhood; and is involved in the process of overseeing, regulating, informing, or has any input into influencing the decisions of an individual to any degree.
- (8) "Public entity" means any and all governmental agencies, organizations, committees, tribunals, or other such entities that are either formed by a formal constitution or as a derivative entity or bureaucratic agency of the governing body that has emerged from a constitution's binding legal authority on that governing body.
- (9) "Injunctive counter-measures" means any type of formal policy, whether as law, regulation, or other such official declaration that has influence on the conduct of individuals or their private business matters, that is intended to inhibit a contagious threat on public health.
- (10) "Threshold of data quality" means a clearly prescribed set of metrics that acts to remove any and all bias or ambiguity or both from a given set of data, to the fullest extent possible.

- (11) "Reasonable speculation of doubt" means doubt, or a claim of skeptical foundation, arising from the preponderance of evidence to suggest that alternate opinions have validity based on the soundness of reason derived from the analytical capabilities to ingest and analyze data for the purpose of arriving at a more clear supposition on the matters of discourse concerning the policy justifications pertaining to the public, and/or specific individuals.
- (12) "Attribute" means any feature regarded as an identifiable characteristic of a contagion, or its impact on an individual(s), or any component related to a contagion or its impact.
- (13) "Data profiling" means any process used to identify attributes of a given scenario or problem domain, or process used to aggregate any and all attributes, or process used to analyze any attribute or aggregate of attributes in any way for any reason.
- (14) "Neutral and objective verification" means a process whereby all bias, rhetoric, propaganda, and any type of subjective and/or anecdotal influence is removed from all data profiling or auditing activities to the fullest extent possible.
- (15) "Data quality and integrity" means a state of data possessing the characteristics of having removed all forms of incongruence in both the technical soundness of the data's ability to be used in a prescribed technique of analysis, as well as having relevance to the fullest possible scope of considerations necessary to adequately frame a given scenario with all contributing factors or attributes.
- (16) "Policy justifications" means any underlying supposition proposed as having relevance as to why a given policy is necessary to implement as a given law, regulation, or other such decree of legal authority.
- (17) "Unambiguous access" means possessing the ability to have an unobstructed view of any and all details that have influence in the process of informing policy justifications to any degree.
- (18) "Limitation on visibility" means any type of obstruction that would hinder the view of all the necessary details in a given context of facts.
- (19) "Contributing factors" means any and all factors that influence the result or outcome of a given scenario, situation, condition, or other such context.
- (20) "Freely available" means available without the requirement of paying a fee of any type, or placing any type of hindrance on an individual's ability to review the details of a given scenario, situation, condition, resolution, or other such context.
- (21) "Sufficiently ambiguous" means existing in such a way wherein the details are removed such that there is no discernable ability to identify the person or patient of a given report that is used as a data point in any type of analysis.
- (22) "In full-effect" means to an extent that there is no severability in any legislation, regulation, or formal policy of any type that is decreed, mandated, or implemented to any degree, such that the entirety of a given formal policy is regressed from having any legal effect at all.
- (23) "Court of civil consequence" means a court of competent jurisprudence that is not of criminal consequence in its findings or procedures.
- (24) "No justifiable cause" means no justifiable reason that would suffice for an entity to act in such a way that would lead to the result of inhibiting an individual to any degree from the given set of rights and privileges in a given context.
- (25) "Reciprocity of effect" means a recapturing of any type of measurable benefit that was lost due to an entity's actions that have disrupted an individual's personal rights or private business interests.
- (26) "Publicly funded financial instrument" means any type of financial instrument, whether as an instrument of debt, credit, grant, cash, subsidy, or any type instrument previously existing or that shall exist in the future, that is tied to a publicly oriented financial account to any degree; wherein elected officials, or public officials or agents of an administrative

bureaucracy, act as a controller of distributing a given financial instrument or set of financial instruments.

- (27) "Publicly constituted entity" means any type of public entity in the State that exists as any type of electorally founded governing body; or as a derivative agency, office, or any other form of bureaucratic organization that gains its authority from any type of electorally founded governing body.
- (28) "Document of scope" means the documentation through which any type of medical initiative will be documented with sufficient and unambiguous detail; wherein the details of the document are required to articulate and describe with as much detail as necessary to justify any subsequent transaction that would come to be if the initiative is authorized with funding.
- (29) "Medically related initiatives" means any type of action taken by an entity of any type that is in any way related to any type of medical context; whether as research, as information gathering, as promulgating guidance on any public health issue, as providing any type of treatment, therapy, or intervention; or as any type of activity of any medical relevance.
- (30) "Premise of analysis" means the basis for which any subsequent audit or report on whether or not an initiative met the pre-defined success criteria, or if the initiative breached the predefined scope of activity to any degree.
- (31) "Benefit of ambiguous result" means a benefit not prescribed with sufficient detail to engender a predictable and data driven outcome; such that the defined benefit is lacking any and all foreseeable or otherwise reasonably ascertainable attributes, variables, contributing factors, or other such characteristics in the documentation, and is otherwise possessed with bias or ambiguity in the defined goals of an initiative that would lead to unpredictable results, or is otherwise misleading to any degree.
- (32) "Credibility of benefit" means a scope of activity that is able to fully describe, in sufficient detail, both the measurable benefits intended to enhance the lives of individuals existing in the State, as well as any and all identifiable risks an initiative would pose on individuals; such that an initiative's scope has met a quantifiable threshold in fully articulating and describing the justifications of an initiative's goal as it pertains to enabling individuals freely consenting to a given benefit.
- (33) "Normalized data report" means a report using a describable relational algebra to remove any and all redundancies wherein a formalized structure of data integrity enables a reasonable understanding of the details of a given set of data, while allowing for visibility to any and all details necessary to ensure full visibility to any and all relevant attributes in the data.
- (34) "Full unambiguous audit" means a review of all details necessary to ensure full transparency of all relevant attributes, elements, details, or other such characteristics.
- (35) "Full transparency of process" means all details of every conversation, hearing, procedure, motion, or other such movement a court makes in the process of acting in accord with a legal process to bring about any type of resolution must be documented and made freely available to any requesting entity or individual.
- (36) "Entity at odds" means any type of entity, public or private, other than an individual, that acts in any way contrary to an individual's, or collection of individual's, medical freedoms, rights, obligations, or other such axioms of an individual's personhood.
- (37) "Immediate due process" means all reasonable effort, in an urgency of action, to ensure that a full review of any lower court's decision is sound, reasonable, and valid as it pertains to the relevant provisions of the claim.
- (38) "Likelihood of contravention" means any anomaly in a fact pattern analysis that induces further questions for which answers either confirm the claim, or become increasingly more difficult to ascertain the answers, or the answers themselves induce further questions.

Section 2. Individual Self-determination and Consent for Medical Interventions.

(1) The right and sovereign autonomous obligation of an individual to self-determine the need for any and all medical interventions, treatments, or other such manner of physical, mental, or emotional therapies or procedures shall not be contravened to any degree by the presence of any manner of condition in the individual, the people of a given region, or the people at large; nor shall it be contravened to any degree by the existence of any type of contagion anywhere on this planet or elsewhere.

(2) All manner of consent shall remain solely with the individual without the intervention of any element of force, fraud, deceit, duress, overreaching, or other ulterior forms of constraint or coercion. The individual's right to have sufficient knowledge of all knowable effects of any type of medical intervention, treatment, or aforementioned therapy; as well as comprehension of the elements of the subject matter involved, to enable the individual's ability to have sufficient consideration and understanding, and thereby make a fully informed decision, shall be enabled, without delay, by any and all concerned institutions to the fullest extent possible with any and all information available.

Section 3. Limitations on Governing Bodies Mandating Medical Interventions.

(1) No cause shall exist by the State, its Counties, Municipalities, or other such public entity therein to mandate, compel, or otherwise enforce any type of medical intervention or therapy on an individual, or group of individuals, for any reason; or to require, to any degree, an individual to make known any degree of medical history of the individual.

(2) Where any such aforementioned action is taken by a public entity, an individual shall have immediate cause to move a court of competent jurisdiction to adjudicate such contravention.

Section 4. Data Transparency For Determining Policies Regarding Contagions of Threat.

(1) Wherein there exists an increased risk of a contagion, of any type, in an individual, the people of given region, or in the people at large; any and all legislative, regulatory, or other such injunctive counter-measures or policies enacted with the intention to limit or cease the spread of the contagion, or that would otherwise impose limitations of any type on individuals or organizations, must be informed by, and justified with, a threshold of data quality exceeding a reasonable speculation of doubt in any and all data gathering and analysis initiatives that are used to identify any and all contagions, thresholds of infection, vectors of infection, or other such attribute ascertained by any manner of data profiling performed on any aspect of the contagion, its impact or potential impact on an individual, the impact on people of a given region, or the impact on the public at large.

(2)(a) As neutral and objective verification of the data and data processes used to determine a contagion's potency or lack thereof, its infection rates, or any other attribute of a contagion or its impact thereof, that is analyzed to any degree for the purpose of, or is otherwise used in, informing or justifying any type of public policy, legislation, or regulation; all the aforementioned aspects of data quality, profiling, gathering, and analysis must be submitted, by the State, its Counties, Municipalities, or other such public entity therein, for audit to multiple independent organizations, public or private, with expertise in assessing data quality and integrity. Furthermore, any entity or individual with sufficiently describable processes to engender adequate knowledge and expertise to audit and review, who would volunteer to audit must be enabled to do so to the fullest extent possible with any and all aspects of the

aforementioned components of analysis.

(b) The independent organizations selected by the State, its Counties, Municipalities, or other such public entity therein, for the verification process, shall have no financial ties or incentives to any degree, or of any type, to any other organization or entity that is pursuing any type of remedy or treatment for the contagion, or is otherwise funding such initiative; such that the selected auditing organization is otherwise without any degree of conflict-of-interest.

(3)(a) Any and all data points and processes used to inform or justify any legislation, regulation, or other such policies of any type, must undergo an audit of all reporting processes and measures; with unambiguous visibility to any and all data sets used, data repositories accessed, data routines developed, or data models and algorithms designed and built in effort to analyze and inform any and all public policy. No manner of proprietary trade secret or other such intellectual property right shall suffice to inhibit full and unambiguous access to the necessary elements that would be the subject of the aforementioned auditing process.

(b) Additionally, any and all elements, components, attributes, or processes subject to audit are required to be made freely available to the public without any type of redaction or limitation on visibility to every aspect used in performing any and all data profiling measures used to inform or justify any type of public policy. Any and all report submissions used as data points in the analyses described above, that would inform public policy, must also include full legal identification of the reporting individual and organization, including the date, time, and location the report was submitted; as well as include any and all pre-existing medical conditions of any of the individuals that were the subject of a report. All medical records used in any report submission or reporting process, describing any and all pre-existing medical conditions, must be sufficiently ambiguous only to the extent necessary to preserve an individual's unequivocal right to personal privacy; while allowing for a full analysis of all attributes that act as contributing factors in the rates of infection, spread of the contagion, or any other related or relevant attribute of any aspect of the contagion's threshold of threat to public health.

(4) Any aspect of any of the aforementioned data profiling measures that are found to have any degree of invalidity, ambiguity, or are otherwise inconsistent or incongruent with a threshold of data quality exceeding a reasonable speculation of doubt would thereby immediately nullify, in full-effect, any and all legislative, regulatory, or other such injunctive counter-measures enacted to limit or cease the spread of the contagion.

Section 5. Domestic Entity Medical Neutrality Regarding Employees and Contractors.

A domestic entity, of any type, public or private, established or certified in the State to any degree, shall have no justifiable cause to mandate, compel, or otherwise enforce any type of medical intervention or procedure on an individual, or group of individuals, employed or otherwise contracted in any way in the State; or to require an individual to make known any degree of medical history of the individual; as condition of employment or consideration in contract. Where any such aforementioned action is taken by an entity, an individual shall have immediate cause to move a court of civil consequence to adjudicate such contravention with a reciprocity of effect for any damages deemed reasonable by a court of competent jurisdiction.

Section 6. Foreign Entity Medical Neutrality Regarding Employees and Contractors.

A foreign entity, of any type, public or private, operating in the State to any capacity, shall have no justifiable cause to mandate, compel, or otherwise enforce any type of medical intervention or procedure on an individual, or group of individuals, employed or otherwise contracted in any

way in the State; or to require an individual to make known any degree of medical history of the individual; as condition of employment or consideration in contract. Where any such aforementioned action is taken by an entity, an individual shall have immediate cause to move a court of civil consequence to adjudicate such contravention with a reciprocity of effect for any damages deemed reasonable by a court of competent jurisdiction.

Section 7. Nullification of Federal Medical Mandates.

Any Federal legislation, regulation, order, or other such manner of injunctive decree that would be found to infringe the liberties, freedoms, rights, obligations, or privileges outlined herein this amendment shall give immediate cause and requirement to the State, it's Counties, Municipalities, or other such public entity therein; to make null and void such injunctive decree, order, regulation, or legislation.

Section 8. Financial Accountability for Infringing an Individual's Medical Rights.

(1) Any public entity, of any type, enumerated herein the entirety of this amendment that would be found to contravene, infringe, or transgress, to any degree, any and all liberties, freedoms, rights, obligations, or privileges of an individual, are liable for, and shall provide, all court costs, lawyer fees, or any manner of fee allocated to the individual for any type of legal proceeding or action taken by the individual to move a court to adjudicate, arbitrate, or bring to resolution in any way, the contravention of said liberties, freedoms, rights, obligations, or privileges of the individual.

(2) Any and all damages of any type that would be available therefrom any contravention, infringement, or transgression may only be sought by the individual person. No entity, of any type, may seek damages from or against an individual; nor shall an entity hold an individual liable in any way whatsoever.

Section 9. Transparency in Lobbying for Medical Initiatives and Funds.

Any entity in the State, of any type, domestic or foreign, whether organizational, governmental, or as an individual operating in one's own capacity, that has any type of interaction with a public official of any type, wherein the interaction has any type of discussion or communication of requiring, mandating, or otherwise enforcing any type of medical intervention, policy, or other such legislative or regulatory measure, decree, or mandate; or discusses or communicates any type of medical initiative of any type that requires or requests any degree of financial grant, loan, subsidy, or other such publicly funded financial instrument; must submit full transcript of the discussion or communications in the interaction, without redaction, to the State's Department of Health, and all other such agencies regulating or overseeing, to any degree, the medical governance in the State, it's Counties, Municipalities or other such publicly constituted entity therein. The transcripts shall be made freely available to the public to access the information, in either paper or digitally accessible and downloadable format, as well as be accessible without any type of redaction or limitation on visibility to the details of the transcripts of the discussion or communications.

Section 10. Integrity and Transparency in Publicly Funded Medical Initiatives.

(1)(a) Public entities, of any type, within the State that provides any amount of funding to any type of organization, agency, committee, individual, or entity, public or private; wherein the funds are used, to any degree, for medically related initiatives of any type, public or private, must

require from the receiving entity or individual, a report detailing the full budgetary allocations of how the funds are intended to be used, along with a detailed set of goals or objectives that are intended to be the result of the initiative, prior to receiving the funds. The report shall act as the document of scope in determining both the credibility of the initiative's benefit to the people of the State, and the premise of analysis for any subsequent audit on usage of the funds. Where there exists no discernible benefit, or a benefit of ambiguous result there exists no credibility of benefit to the people. Any initiative that does not possess sufficient credibility of benefit shall not be provided funding to any degree.

(b) Entities that pass authorization and validation for sufficient credibility of benefit must submit a quarterly normalized data report with line item details of every transaction; consisting of the amount of the transaction, the date of the transaction, the identity of who the funds were remitted to, and any other detail required for full unambiguous audit of every transaction for which the funding was used. To the fullest extent possible, the transactional detail must comply with ISO 20022 standards for electronic data interchange between financial institutions.

(2) (a) The aforementioned Document of Scope, and the transaction details subjected to the aforementioned audit are required to be submitted to the State's Department of Health, and all other such public or private entities regulating or overseeing, to any degree, the medical governance in the State, its Counties, Municipalities, or other such publicly constituted entity therein; and made freely available to the public to access the information, in either paper or digitally accessible and downloadable format, as well as be accessible without any type of redaction or limitation on visibility to the details of the transactions.

(b) The receiving entity must also submit semi-annual internal performance reviews of the initiative, detailing the success factors, key performance indicators, and any other identifiable measure used to gauge the success, or not, of the initiative's result as it pertains to the benefit to the people of the State, its Counties, Municipalities, or other such publicly constituted entity therein.

(3) Any transactions that would be found to fall outside the scope of the intended budgeted allocations are subject to remuneration of the funds back to the public entity that provided the funds.

Section 11. Due Process for Medical Liberty.

(1)(a) If any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged as invalid by a court of competent jurisdiction, all other provisions shall continue to be in full effect.

(b) For any clause, sentence, paragraph or section of this amendment, or an application thereof that is found to be invalid, in any way or to any degree, by a court of competent jurisdiction, a court of higher authority in the State shall review, with immediate due process, the decision of the lower court.

(c) In all reviews for validity of either any clause, sentence, paragraph, or section; or a court's ruling on any provision herein this amendment, deference shall be given toward a strict construction of interpretation. The strictness shall be founded exclusively on all of the the following three factors: (1) limiting and curtailing, to the greatest reasonable extent possible, the overreach of any public or private entity on the lives of individuals, (2) to preserve and uphold as sacrosanct the rights and liberties of individuals to the greatest extent possible, and (3) to create a transparent and unambiguous review of all details pertaining to the subject matter of any provision herein such that it can be accessed freely by the people of the State. Where a court has ruled on the validity of a provision, and the analysis has not considered these three factors, the ruling itself shall be deemed as invalid.

(2)(a) Where an individual or group of individuals moves a court to adjudicate a matter founded in the provisions of this amendment, full transparency of process shall be held as

sacrosanct for all proceedings; except where the individual(s) in question are under the age of 18, in which case all due diligence to protect the individual's identity, and only the individual's identity, must be taken.

(b) If arbitration, mediation, or any mechanism other than full legal due process is sought as a means of resolution for any matter related to the provisions of this amendment, no limitations will be placed on visibility to the public of both the identity of the entity at odds with the individual(s), and all the details of the complaint. The individual(s) may elect to keep their own identities confidential, in which case the individual(s) right to privacy shall stand as sacrosanct and be struck from all public record.

(3) The final resolution of any type of proceeding, whether as a result of full due process or as another type of resolution, shall be made freely available without limitation on access at both the office of the State's Attorney General, as well as the office of the court of competent jurisdiction to which the original complaint was made, in either paper or digitally accessible and downloadable format.

(4)(a) The office of the State's Attorney General shall make publicly available to all county courthouses, within 60 days of the adoption of this amendment, a form template by which an individual can move a court of competent jurisdiction in the State, its Counties, Municipalities, or other such publicly constituted entity therein. The form shall only require for acceptance of a court of competent jurisdiction, the full legal name of the individual making the complaint, the name of the entity or entities at odds with the individual, and a description of no less than 200 words detailing the facts, including the specific section or subsection of this amendment that applies to the facts. If the specific section or subsection of this amendment that is applicable to the facts of the complaint is not enumerated in the description of the complaint, the court of competent jurisdiction may elect to immediately reject the complaint citing to the individual in common and understandable terms the specific reason for the rejection.

(b) If the court of competent jurisdiction, or the State's Attorney General finds that multiple complaints have been made by multiple individuals against the same entity at odds, enumerating the same section or subsection of this amendment, the court or the State's Attorney General may elect to combine the complaints into a single proceeding as necessary to expedite the due process. If an individual's complaint enumerates additional sections or subsections of this amendment with the related facts, that do not fall into a combination of complaints, the individual may elect to seek complaint of the additional items in a separate complaint.

(c) If a complaint is filed and not rejected, the court of competent jurisdiction must pass the complaint to the corresponding prosecutor's office, wherein the complaint must be given full consideration as it pertains to the provisions of this amendment. The prosecutor's office is thereby obligated to proceed with legally binding record's requests that would enable the full set of facts to come to light as it pertains to the complaint. And where there is found a likelihood of contravention to any degree related to the provisions of this amendment, the prosecutor's office is obligated to thereby facilitate the process to enable the individual with an appointed attorney if they so choose to have a court appointed attorney.